



U.S. Department of Justice

United States Attorney
Eastern District of New York

JHK:DCL

610 Federal Plaza
Central Islip, New York 11722

June 9, 2023

Brenna B. Mahoney
Clerk of the Court
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Griffith v. United States of America*
CV-23-477 (Azrack, J.) (Lindsay, M.J.)

Orelus v. United States of America,
CV-23-2451 (Seybert, J.)(Locke, M.J.)

Dear Ms. Mahoney:

Pursuant to Rule 1.6(a) of the Local Civil Rules of the United States District Courts for the Southern and Eastern Districts of New York ("Local Rule"), Defendant United States of America (the "United States") respectfully requests that: 1) the above-captioned actions be marked as "related," and (2) that the action captioned *Orelus v. United States of America*, 23-CV-2451 be re-assigned to the Honorable Joan M. Azrack, United States District Judge and the Honorable Arlene R. Lindsay, United States Magistrate Judge, who are currently handling *Griffith v. United States of America*, 23-CV-477, the lower-docketed related civil action. Both actions allege claims against the United States under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346(b), 2401(b)(1) and 2671-2680 arising out of the same motor vehicle accident involving a vehicle operated by an employee of the United States Postal Service ("USPS"). Relating these cases and placing them before the same judges would result in a substantial saving of judicial resources.

A. Relevant Rules for Related Cases

Local Civil Rule 1.6(a) provides that "[i]t shall be the continuing duty of each attorney appearing in any civil or criminal case to bring promptly to the attention of the Court all facts which said attorney believes are relevant to a determination that said case and one or more pending civil or criminal cases should be heard by the same Judge, in order to avoid unnecessary duplication of judicial effort." Further, "[a]s soon as the attorney becomes aware of such relationship, said attorney shall notify the Judges to whom the cases have been assigned." *Id.*

Additionally, under Rule 50.3.1(a) of the Guidelines of Business Among District Judges in the Eastern District of New York ("Guidelines"), which were adopted pursuant to 28 U.S.C. § 137,

“[a] civil case is ‘related’ to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transaction or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge.”

Pursuant to Rule 50.3.1(e) of the Guidelines, “[c]ases which have been judicially determined to be related shall be assigned by the clerk to the judge to whom was assigned the case with the lowest docket number in the series of related cases.”

B. Similarities Between the Two Cases

The core factual issues underlying both of these cases arise out of the same motor vehicle accident (the “Accident”) that occurred on December 18, 2021, on Sunrise Highway, near the intersection with Morris Gate in Wantagh, New York. The vehicle driven by Plaintiff William Griffith, in which Plaintiff Steeve Bernard Orelus was a passenger, came into contact with a vehicle driven by an employee of the United States Postal Service (“USPS”).

Beyond the factual similarities, both Plaintiffs sue the United States claiming that the United States is liable for Plaintiffs’ injuries allegedly caused by the collision. Accordingly, the issue of the United States’ liability in both actions is identical.

The United States respectfully requests that cases be marked as related and that the *Orelus v. United States of America*, 23-CV-2451 action be reassigned to Judge Azrack and Magistrate Judge Lindsay.

The United States thanks the Court for its consideration of this matter.

Respectfully submitted,

BREON PEACE
United States Attorney

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cc: (VIA ECF)
Honorable Joan M. Azrack
Honorable Joanna Seybert
Honorable Arlene R. Lindsay
Honorable Steven I. Locke
Michelle Jean-Jacques, Esq. (Counsel for Plaintiff William Griffith)
Barbara Manes, Esq. (Counsel for Plaintiff Steeve Bernard Orelus)